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FM AMEMBASSY TASHKENT  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5310  
INFO RUEHTA/AMEMBASSY ALMATY 7689  
RUEHAH/AMEMBASSY ASHGABAT 1795  
RUEHEK/AMEMBASSY BISHKEK 2319  
RUEHDBU/AMEMBASSY DUSHANBE 2212  
RUEHVEN/USMISSION USOSCE 1698

C O N F I D E N T I A L TASHKENT 000466

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DEPT FOR SCA/CEN AND DRL

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TAGS: [PHUM](#) [PGOV](#) [UZ](#)

SUBJECT: HUMAN RIGHTS ACTIVIST TAJIBAYEVA SENTENCED TO  
EIGHT YEARS

REF: A. TASHKENT 261

[1](#)B. TASHKENT 326

Classified By: Amb. Jon Purnell for reasons 1.4 (b) and (d).

[1](#)1. (C) On March 6, the Lower Chirchik District Criminal Court sentenced human rights activist and Embassy Democracy Commission grantee Mutabar Tajibayeva to eight years in prison. The many charges against her included using U.S. Embassy grant funds to distribute printed materials intended to spread panic among the public and destabilize the social order. Her trial began on January 30. In the second week of proceedings, the court opened the trial to outside observers, and diplomatic and NGO monitors consistently attended (reftels).

[1](#)2. (C) In the verdict, the judge specifically ruled out an amnesty for Tajibayeva on the grounds that she had been convicted of establishing an illegal organization. According to the most recent annual amnesty decree, issued in December 2005, those convicted of this crime are ineligible for amnesty. This point may be the basis for an appeal by Tajibayeva's lawyers, as her indictment cites her for establishing not an illegal organization, but rather an unregistered organization. (Comment: More recent interpretations by Uzbek prosecutors and courts have increasingly blurred the legal distinction between these two types of organizations, and have tended to treat unregistered groups as illegal by definition. End comment.) According to Human Rights Watch observers, who have followed Tajibayeva's case closely, Tajibayeva formed her human rights NGO, the Burning Hearts Club ("O't Yuraklar"), as a club within the pro-government People's Democratic Party. It is reportedly on this basis that Tajibayeva's lawyers plan to appeal and attempt to win an amnesty.

[1](#)3. (C) Comment: While it is possible that Tajibaeva may be granted amnesty through her appeal, the final decision will be based on politics rather than interpretation of Uzbek law.

If the government has decided that it wants Tajibaeva to serve prison time, she will, regardless of what is written in law.

PURNELL